

EXHIBIT 4



— BUREAU OF —
RECLAMATION

Finding of No Significant Impact

2021 Trinity River Summer Flow Augmentation from Lewiston Dam

CGB-EA-2021-49
EA-21-19-NCAO

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Background

Infections by the pathogens *Flavobacterium columnare* (Columnaris) and *Ichthyophthirius multifiliis* (Ich) were implicated as contributory to mortalities in a 2002 die-off of at least 33,500 salmon and other fish species in the lower stretches of the Klamath River in northern California. Since that time, the US Bureau of Reclamation (Reclamation) has established and leads a Fisheries Technical Team (biologists from the US Fish and Wildlife Service (Service), National Marine Fisheries Service, California Department of Fish and Wildlife (CDFW), Yurok Tribe, Hoopa Valley Tribe and fisheries disease experts) tasked to continuously evaluate the environmental and biological setting of the lower Klamath River throughout the summer of drier years and inform Reclamation's flow management decisions (Flow Augmentation Release) consistent with the Long-Term Plan to Protect Adult Salmon in the Lower Klamath River. These flow management decisions determine the necessity, as well as the timing, location and volume of supplemental releases of water from impoundments, including Lewiston Dam in Reclamation's Central Valley Project - Trinity River Division, to increase flows to alleviate elevated temperatures in rivers in which anadromous fish rear and spawn. Such elevated temperatures have been found to increase the prevalence of pathogens in waters and affect upstream migration cues of these anadromous fish, resulting in over-crowded conditions in limited thermal refugia, prolonged and increased exposure to pathogens, increased severity of disease and a reduced spawning window. Some fish species affected are protected by the Endangered Species Act, have brief life cycles of 2 to 3 years and are also affected by conditions in the Pacific Ocean where they live as adults until returning to the river to spawn and die.

In early July 2021, water temperatures of the Trinity River were near record highs during the period of adult immigrating spring run salmon. In late July 2021, the Technical Team reported a high incidence of infection of *Columnaris* on adult spring run salmon in the Trinity River from Junction City to the Hoopa Valley Reservation; CDFW and the Hoopa Valley Tribe reported infection rates of 5 to 50%, respectively. In addition, snorkel surveys by NMFS staff and the Yurok Tribe confirmed hundreds of spring run salmon holding in the same refugia. Dr. Scott Foott, lead pathologist for the Service's California Nevada Fish Health Center, stated that fish with *Columnaris* infections observed on the gills can be expected to experience rapid mortality with prolonged exposure to crowded conditions and water temperatures greater than 20 °C but may survive to successfully spawn if able to move upstream to colder water and disperse.

The identification of warm water temperatures as the reason for stalled upstream migration of spring run Chinook and a key reason for the elevated incidence of infection with *Columnaris* in the lower Trinity River prompted Reclamation to consider supplementing Trinity River flows to improve water temperatures.

Proposed Action

Reclamation proposes to release supplemental flows from Lewiston Dam to improve water quality and reduce the prevalence and severity of fish disease in the lower Trinity River that could result in a large-scale fish die-off of adult spring-run salmon. Implementation of the Proposed Action would begin on August 1, 2021, outside the window of typical flow augmentation releases (FARs; August

19 to September 19) to provide immediate relief to infected spring run salmon currently holding in over-crowded refugia and cue upstream migration, reducing the potential that infected spring-run salmon could co-mingle with unaffected fall-run salmon entering the system from the Pacific Ocean in September. The 1,400 AF total to be released would be considerably smaller than historic FARs, which varied greatly in volume but averaged 31.5 TAF. The 1,400 AF would be released total over the course of 4 days, including a one-day ramp down and could reduce the need and volume for FARs within the time period they typical are used. The maximum flow achieved would be 750 cfs or 300 cfs over the baseline of 450 cfs released from Lewiston Dam in summer months (absent a FAR). The potentially affected area Reclamation analyzed for effect includes Trinity Reservoir and the Trinity River from Lewiston Dam to the confluence with the Klamath River, and the Klamath River to the Klamath River estuary near Klamath, California, as well as the Sacramento River Basin, as trans-basin diversions from Trinity Reservoir via Lewiston Reservoir and the Clear Creek Tunnel to the Sacramento River Basin have occurred historically and are planned to occur throughout the summer.

Findings

The Environmental Assessment (EA) was prepared in accordance with the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations (40 CFR 1500-1508), and Department of the Interior Regulations (43 CFR Part 46). It was also prepared to ensure coverage for an action that differs in scope from the proposed action as identified in the Environmental Impact Statement / Record of Decision for the Long Term Plan to Protect Adult Salmon in the Lower Klamath River.

The EA found that any potential environmental impacts from the Proposed Action would be minor due to the relatively small amount of water that would be released. As a result, Reclamation has determined that implementing the Proposed Action is not a major Federal action that would significantly affect the quality of the human environment, and therefore does not require the preparation of an Environmental Impact Statement.

Reclamation's determination is supported by the EA that describes the existing environmental resources in the Project area and evaluated the effects of the Proposed Action and No Action Alternative on those resources. The analysis provided in the EA is incorporated by reference. Reclamation's determination that the Proposed Action will not result in significant impacts is summarized below:

Reclamation considered potential short-term and long-term effects of the Proposed Action, both beneficial and adverse. Following are the reasons why the impacts of the Proposed Action are not significant, with respect to the affected environment and degree of effects of the action (40 CFR 1501.3(b)).

- The Proposed Action will not significantly affect public health or safety (40 CFR 1501.3(b)(2)(iii)).

- The Proposed Action will not violate federal, state, tribal or local law protecting the environment (40 CFR 1501.3(b)(2)(iv)).
- The Proposed Action will not significantly or adversely affect Indian Trust Assets (512 DM 2, Policy Memorandum dated December 15, 1993).
- Implementing the Proposed Action will not have an adverse effect that disproportionately affects minorities or low-income populations and communities (EO 12898).
- The Proposed Action will not limit access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007 and 512 DM 3).
- The Proposed Action will not significantly impact natural resources and unique geographical characteristics such as historic or cultural resources; parks, recreation, and refuge lands; wilderness areas; Wild and Scenic Rivers (WSR); national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order (EO) 11990); flood plains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas (43 CFR 46.215(b)). Although river segments within the action area have a WSR designation, the Proposed Action would not adversely affect the free-flowing condition, water quality or outstandingly remarkable values (ORVs) for which the river segments were designated WSR.
- The Proposed Action will not have possible effects on the human environment that are highly uncertain or involve unique or unknown risks.
- The Proposed Action will neither establish a precedent for future actions with significant effects nor represent a decision in principle about a future consideration.
- There is no potential for the effects to be considered highly controversial.
- The Proposed Action will not have significant effects on historic properties.
- The Proposed Action will have no effect on species listed or proposed for listing as threatened under Section 7 of the Federal Endangered Species Act.